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In re Application of HEINONEN et al
U.S. Application No.: 09/889,438
Int. Application No.: PCT/FI00/00019
Int. Filing Date: 12 January 2000
Priority Date: 12 January 1999
Attorney Docket No.: 989.1033
For: METHOD FOR CHANGING LINEAR
LOAD ON A REEL-UP

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DECISION

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)", filed 02 December 2002, which is being treated as a petition under 37 CFR 1.181 to withdraw a holding of abandonment based on failure to receive an office action.

BACKGROUND

On 12 January 2000, applicant filed international application PCT/FI00/00019, which claimed priority of an earlier Finland application filed 12 January 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 20 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 14 July 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 July 2001.

On 12 July 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

International application PCT/FI00/00019 became abandoned for failure to timely respond to the Notification of Missing Requirements.

On 02 December 2002, applicant filed the present petition along with an executed declaration.

DISCUSSION

According to the Official Gazette at 1156 OG 53 and MPEP 711.03(c), a petition to withdraw a holding of abandonment based on failure to receive an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has not provided the required statement.

With regard to item (3) above, applicant's representative should supply a docket record which lists responses due to the USPTO on 22 October 2001 for all cases handled by the representative's firm, or if such a docket record is unavailable, for all cases handled by applicant's representative. This docket record must illustrate the absence of any listing of a response due to a Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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